

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In re : Chapter 11
: Case No. 09-11233 (REG)
CHEMTURA CORPORATION, *et al.*, :
: (Jointly Administered)
Debtors. :
:
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DECISION ON MOTION ON BEHALF OF CHEMTURA
RETIREE JOHN J. PRIOR AND OTHER SIMILARLY-
SITUATED RETIREES FOR MODIFICATION AND
RESETTLEMENT OF THIS COURT'S NOVEMBER 30,
2009 ORDER

BEFORE: ROBERT E. GERBER
UNITED STATES BANKRUPTCY JUDGE

In these jointly administered chapter 11 cases of Chemtura Corporation (“**Chemtura**”) and its affiliated debtors (collectively, the “**Debtors**”), John J. Prior moves (the “**Motion**”) for an order modifying and resettling this Court’s November 30, 2009 order (the “**Order**”) to make the part of the Order with respect to him encompass, in addition, all of those Chemtura retirees who fall within the class of Uniroyal non-union retirees who began employment prior to December 31, 1984. The Motion is denied.

Mr. Prior failed to show excusable neglect under Rule 60(b)(1) of the Federal Rules of Civil Procedure. Mr. Prior appeared before this Court at the hearing on November 18, 2009 (the “**Hearing**”), on the Debtors’ motion for an order authorizing them to modify certain post-employment benefits. At the Hearing Mr. Prior stated, “I also have to say that I represent only myself.”¹ Mr. Prior did not purport to represent other retirees at that time and has shown no

¹ 11/18/09 Hr’g. Tr., at 81:12.

excusable neglect for not doing so. If Mr. Prior needed more time to retain counsel or organize a group, he also could have, upon a showing of cause, secured a continuance of the Hearing.

Rules 60(b)(1) and 60(b)(6) of the Federal Rules of Civil Procedure provide no basis for delaying determination of the Debtors' motion with respect to any people not already specified in the Order.

Dated: New York, New York
January 6, 2010²

s/ Robert E. Gerber
United States Bankruptcy Judge

² This order apparently was not entered back in January when it was signed. The time to appeal from this order will run from the date of entry of the order and not from the date the Court signed the original version of this order.